



JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG 18 2006

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**DOCKET NO. 1781**

*S. Novak*

***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION***

***IN RE CINTAS CORP. OVERTIME PAY ARBITRATION LITIGATION***

***BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ, ROBERT L. MILLER, JR.,\* KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL***

***TRANSFER ORDER***

This litigation consists of the 71 actions, each pending in a different federal district, that are listed on the attached Schedule A. The Northern District of California hosts the first filed of this docket's constituent actions (*Veliz*), which is a March 2003 action brought, inter alia, under state law and the Fair Labor Standards Act (FLSA) against Cintas Corp (Cintas). *Veliz*, a "collective" action in which over 2,000 plaintiffs have now joined, is brought by Cintas employees or former employees who allege that Cintas failed to pay them required overtime wages. The other 70 civil actions now before the Panel are motions to compel arbitration just recently brought by Cintas in March 2006 against a total of approximately 1,800 persons, each of whom is also a *Veliz* opt-in plaintiff and is named in only one of the 70 actions brought by Cintas. The *Veliz* plaintiffs (including the opt-in plaintiffs who are defendants in the actions brought by Cintas) move the Panel, pursuant to 28 U.S.C. § 1407, for an order centralizing the MDL-1781 actions in the Northern District of California for coordinated or consolidated pretrial proceedings. Cintas, the *Veliz* defendant and plaintiff in the other 70 actions, opposes transfer.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Each person named in the 70 actions brought by Cintas is an opt-in plaintiff in *Veliz*, the remaining MDL-1781 action, and each of the 70 actions represents an effort by Cintas to compel a *Veliz* opt-in plaintiff who has asserted FLSA claims in *Veliz* to arbitrate those claims, not in the Northern District of California where *Veliz* is pending, but rather in the judicial district where the motion to compel was filed and where the respective defendants are (or were last) employed by Cintas. Resolution of the actions in this docket will require each of the 70 district courts where Cintas has brought suit to construe identical contractual arbitration clauses to determine i) whether the parties named in each motion to compel are refusing to arbitrate within the meaning of § 4 of the Federal Arbitration Act, and/or ii) whether the parties are complying with that obligation by seeking to arbitrate

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\*Judge Miller did not participate in the decision of this matter.

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collectively in an arbitration proceeding already occurring in the Northern District of California involving a subset of the *Veliz* plaintiffs. The degree to which the actions brought by Cintas are intertwined with *Veliz* is further illustrated by Cintas's own allegations contained in those actions (wherein Cintas cites *Veliz* rulings and stipulations for purposes of collateral estoppel or res judicata in connection with the relief being sought). Additionally, each of the 70 courts in the actions brought by Cintas may also be required to address identical factual and legal arguments asserted in defense of those actions. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

In opposing transfer, Cintas has argued that the 70 actions which it has brought to compel arbitration are not "civil actions" and thus not within the scope of the transfer authority conferred on the Panel under Section 1407. In order to effectuate the statutory objectives, transfer under Section 1407 should contemplate the broadest sweep of the term, "civil action." Thus, to the extent that the motions to compel brought by Cintas are not criminal actions, are pending in federal district courts, and are suits of a civil nature, they are civil actions subject to transfer under Section 1407.

We conclude that the Northern District of California is an appropriate transferee forum in this docket because i) the district is where the first filed and significantly more advanced action is pending before a judge already well versed in the issues presented by the litigation; and ii) all parties are in agreement that if the litigation is centralized, the California district should be selected as transferee forum.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Northern District of California are transferred to the Northern District of California and, with the consent of that court, assigned to the Honorable Sandra Brown Armstrong for coordinated or consolidated pretrial proceedings with the action on Schedule A and pending in that district.

FOR THE PANEL:



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Wm. Terrell Hodges  
Chairman

## SCHEDULE A

### MDL-1781 -- In re Cintas Corp. Overtime Pay Arbitration Litigation

#### Middle District of Alabama

*Cintas Corp. v. Randall M. Cornelius, et al.*, C.A. No. 2:06-227

#### Northern District of Alabama

*Cintas Corp. v. Darren Mitchell Anderson, et al.*, C.A. No. 2:06-492

#### Southern District of Alabama

*Cintas Corp. v. Ramon J. Baudier, Jr., et al.*, C.A. No. 1:06-148

#### District of Arizona

*Cintas Corp. v. Robert J. Abel, et al.*, C.A. No. 2:06-693

#### Central District of California

*Cintas Corp. v. Roberto Carlos Alegria, et al.*, C.A. No. 2:06-1750

#### Eastern District of California

*Cintas Corp. v. Ronald Arvizu, et al.*, C.A. No. 2:06-611

#### Northern District of California

*Paul Veliz, et al. v. Cintas Corp., et al.*, C.A. No. 4:03-1180

#### Southern District of California

*Cintas Corp. v. Daniel E. Ainsworth, et al.*, C.A. No. 3:06-632

#### District of Colorado

*Cintas Corp. v. John D. Bickham, et al.*, C.A. No. 1:06-427

#### District of Connecticut

*Cintas Corp. v. Eugene Christensen, et al.*, C.A. No. 3:06-360

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**MDL-1781 Schedule A (Continued)**

District of Delaware

*Cintas Corp. v. Charles Leroy Gray, et al.*, C.A. No. 1:06-162

Middle District of Florida

*Cintas Corp. v. Alice Allen, et al.*, C.A. No. 8:06-400

Northern District of Florida

*Cintas Corp. v. Joseph Frazier, et al.*, C.A. No. 3:06-103

Southern District of Florida

*Cintas Corp. v. David J. Abrahamsen, et al.*, C.A. No. 0:06-60310

Middle District of Georgia

*Cintas Corp. v. Matthew J. DeFelix, et al.*, C.A. No. 1:06-38

Northern District of Georgia

*Cintas Corp. v. Jeffrey Aybar, et al.*, C.A. No. 1:06-569

Southern District of Georgia

*Cintas Corp. v. Joe L. Banks, et al.*, C.A. No. 1:06-35

District of Idaho

*Cintas Corp. v. David DeBilzan, et al.*, C.A. No. 1:06-104

Central District of Illinois

*Cintas Corp. v. James Allen Burrell, et al.*, C.A. No. 1:06-1068

**MDL-1781 Schedule A (Continued)**

Northern District of Illinois

*Cintas Corp. v. Vince Agozzino, et al.*, C.A. No. 1:06-1343

Northern District of Indiana

*Cintas Corp. v. James Atkins, et al.*, C.A. No. 2:06-85

Southern District of Indiana

*Cintas Corp. v. Ryan Albright, et al.*, C.A. No. 1:06-401

Southern District of Iowa

*Cintas Corp. v. Donald Allen Griffin, et al.*, C.A. No. 4:06-91

District of Kansas

*Cintas Corp. v. Matthew L. Blackman, et al.*, C.A. No. 2:06-2091

Eastern District of Kentucky

*Cintas Corp. v. Danny L. Brown, et al.*, C.A. No. 2:06-52

Western District of Kentucky

*Cintas Corp. v. Jason Agostini, et al.*, C.A. No. 3:06-131

Eastern District of Louisiana

*Cintas Corp. v. Jack Addison, et al.*, C.A. No. 2:06-1247

Middle District of Louisiana

*Cintas Corp. v. Gustave Fontenot, Jr., et al.*, C.A. No. 3:06-188

**MDL-1781 Schedule A (Continued)**

Western District of Louisiana

*Cintas Corp. v. Ivan Edward Avery, et al.*, C.A. No. 6:06-391

District of Maine

*Cintas Corp. v. Randall Bowles, et al.*, C.A. No. 2:06-55

District of Maryland

*Cintas Corp. v. Joe Andrews, et al.*, C.A. No. 8:06-641

District of Massachusetts

*Cintas Corp. v. Philip Daniel Blaisdell, et al.*, C.A. No. 1:06-10442

Eastern District of Michigan

*Cintas Corp. v. Brandon Alioto, et al.*, C.A. No. 2:06-11043

Western District of Michigan

*Cintas Corp. v. Travis M. Ault, et al.*, C.A. No. 1:06-180

District of Minnesota

*Cintas Corp. v. John Callahan, et al.*, C.A. No. 0:06-1012

Southern District of Mississippi

*Cintas Corp. v. Gregory Cole Bigbee, et al.*, C.A. No. 3:06-137

Eastern District of Missouri

*Cintas Corp. v. Relton Barnes, et al.*, C.A. No. 4:06-450

Western District of Missouri

*Cintas Corp. v. Randall Adams, et al.*, C.A. No. 4:06-208



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**MDL-1781 Schedule A (Continued)**

District of Nebraska

*Cintas Corp. v. Jeffrey Anderson, et al.*, C.A. No. 8:06-262

District of Nevada

*Cintas Corp. v. Anthony Dean Hamby, et al.*, C.A. No. 2:06-300

District of New Jersey

*Cintas Corp. v. Joseph Allen, et al.*, C.A. No. 2:06-1164

District of New Mexico

*Cintas Corp. v. Tony L. Bostick, et al.*, C.A. No. 1:06-185

Eastern District of New York

*Cintas Corp. v. Troy Amott, et al.*, C.A. No. 1:06-1105

Northern District of New York

*Cintas Corp. v. Hugh J. Kingsley, et al.*, C.A. No. 5:06-311

Southern District of New York

*Cintas Corp. v. Louis Alves, et al.*, C.A. No. 1:06-1933

Western District of New York

*Cintas Corp. v. Robert F. Bowles, Jr., et al.*, C.A. No. 6:06-6147

Eastern District of North Carolina

*Cintas Corp. v. Matthew Anderson, et al.*, C.A. No. 5:06-113

**MDL-1781 Schedule A (Continued)**

Middle District of North Carolina

*Cintas Corp. v. Gus Aranegui, et al.*, C.A. No. 1:06-225

Western District of North Carolina

*Cintas Corp. v. Jonathan Allred, et al.*, C.A. No. 3:06-114

Northern District of Ohio

*Cintas Corp. v. Bradley Agler, et al.*, C.A. No. 3:06-7083

Southern District of Ohio

*Cintas Corp. v. Donald Adkins, et al.*, C.A. No. 1:06-126

Eastern District of Oklahoma

*Cintas Corp. v. Robert Hall, et al.*, C.A. No. 6:06-97

Northern District of Oklahoma

*Cintas Corp. v. Brent Berna, et al.*, C.A. No. 4:06-148

Western District of Oklahoma

*Cintas Corp. v. Raymond Mac Harris, Jr., et al.*, C.A. No. 5:06-247

District of Oregon

*Cintas Corp. v. Dennis Bassett, et al.*, C.A. No. 6:06-335

Eastern District of Pennsylvania

*Cintas Corp v. Kenneth W. Baptist, et al.*, C.A. No. 2:06-1053



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**MDL-1781 Schedule A (Continued)**

Middle District of Pennsylvania

*Cintas Corp. v. Brian Ash, et al.*, C.A. No. 3:06-517

Western District of Pennsylvania

*Cintas Corp. v. Christopher Derenzo, et al.*, C.A. No. 2:06-324

District of Rhode Island

*Cintas Corp. v. Joseph E. Edwards, et al.*, C.A. No. 1:06-112

District of South Carolina

*Cintas Corp. v. Thomas Eugene Alert, et al.*, C.A. No. 3:06-762

Eastern District of Texas

*Cintas Corp. v. Stephen Barlow, et al.*, C.A. No. 1:06-137

Northern District of Texas

*Cintas Corp. v. Bryan Armstrong, et al.*, C.A. No. 3:06-432

Southern District of Texas

*Cintas Corp. v. Judd Allen, et al.*, C.A. No. 4:06-824

Western District of Texas

*Cintas Corp. v. Issac Anaya, et al.*, C.A. No. 5:06-216

District of Utah

*Cintas Corp. v. Wade Bell, et al.*, C.A. No. 2:06-205

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**MDL-1781 Schedule A (Continued)**

Eastern District of Virginia

*Cintas Corp. v. John O. Ansink, Jr., et al.*, C.A. No. 1:06-267

Western District of Virginia

*Cintas Corp. v. Nelson Carter, Jr.*, C.A. No. 5:06-23

Eastern District of Washington

*Cintas Corp. v. Scott Burgess, et al.*, C.A. No. 2:06-3023

Western District of Washington

*Cintas Corp. v. Michael Anderson, et al.*, C.A. No. 2:06-332

Eastern District of Wisconsin

*Cintas Corp. v. Nathan J. Andree, et al.*, C.A. No. 2:06-303

Western District of Wisconsin

*Cintas Corp. v. Chris Brown, et al.*, C.A. No. 3:06-133

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U.S. District Judge  
9513 Bob Casey U.S. Courthouse  
515 Rusk Avenue  
Houston, TX 77002

Hon. Jean C. Hamilton  
U.S. District Judge  
16N Thomas F. Eagleton  
U.S. Courthouse  
111 South Tenth St., 16th Floor  
St. Louis, MO 63102-1116

Hon. Joe L. Heaton  
U.S. District Judge  
1210 U.S. Courthouse  
200 Northwest 4th Street  
Oklahoma City, OK 73102



Hon. Virginia Emerson Hopkins  
U.S. District Judge  
U.S. District Court  
619 Hugo L. Black U.S. Courthouse  
1729 Fifth Avenue, North  
Birmingham, AL 35203

Hon. John A. Houston  
U.S. District Judge  
1118 Edward J. Schwartz  
U.S. Courthouse  
940 Front Street  
San Diego, CA 92101-8923

Hon. Marvin Katz  
Senior U.S. District Judge  
13613 James A. Byrne  
U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797

Hon. David Keesler  
U.S. Magistrate Judge  
168 Charles R. Jonas Federal Bldg.  
401 West Trade Street  
Charlotte, NC 28202

Hon. Terence C. Kern  
U.S. District Judge  
411 Page Belcher Federal Bldg.  
& U.S. Courthouse  
333 West 4th Street  
Tulsa, OK 74103-3819

Hon. Elizabeth A. Kovachevich  
U.S. District Judge  
Sam M. Gibbons U.S. Courthouse  
801 North Florida Avenue  
17th Floor  
Tampa, FL 33602

Hon. Gary L. Lancaster  
U.S. District Judge  
3250 U.S. Post Office & Courthouse  
700 Grant Street  
Pittsburgh, PA 15219

Hon. Tom S. Lee  
Senior U.S. District Judge  
110 James O. Eastland  
U.S. Courthouse  
245 East Capitol Street  
Jackson, MS 39201

Hon. John C. Lifland  
Senior U.S. District Judge  
Martin Luther King, Jr. Federal Bldg.  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Hon. Ronald E. Longstaff  
U.S. District Judge  
115 U.S. Courthouse  
123 East Walnut Street  
Des Moines, IA 50309

Hon. Rudy J. Lozano  
U.S. District Judge  
5400 Federal Plaza  
Suite 4300  
Hammond, IN 46320

Hon. John W. Lungstrum  
Chief Judge, U.S. District Court  
517 Robert J. Dole U.S. Courthouse  
500 State Avenue  
Kansas City, KS 66101-2400

Hon. Victor Marrero  
U.S. District Judge  
660 Daniel Patrick Moynihan  
U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Hon. Joe B. McDade  
U.S. District Judge  
122 Federal Building  
100 N.E. Monroe  
Peoria, IL 61602

Hon. Tucker L. Melancon  
U.S. District Judge  
4700 U.S. Courthouse  
800 Lafayette Street  
Lafayette, LA 70501

Hon. Peter J. Messitte  
U.S. District Judge  
6500 Cherrywood Lane  
Room 475A  
Greenbelt, MD 20770

Hon. Norman A. Mordue  
Chief Judge, U.S. District Court  
P.O. Box 7336  
Syracuse, NY 13261

Hon. James M. Munley  
U.S. District Judge  
William J. Nealon Federal Building  
& U.S. Courthouse, P.O. Box 1247  
235 N. Washington Avenue  
Scranton, PA 18501

Hon. Frank J. Polozola  
U.S. District Judge  
313 Russell B. Long Federal Bldg.  
777 Florida Street  
Baton Rouge, LA 70801

Hon. M. Casey Rodgers  
U.S. District Judge  
U.S. District Court  
One North Palafox Street  
Suite 460  
Pensacola, FL 32501-5625

Hon. Brian E. Sandoval  
U.S. District Judge  
805 Bruce R. Thompson  
U.S. Courthouse & Federal Building  
400 South Virginia Street  
Reno, NV 89501-2193

Hon. W. Louis Sands  
Chief Judge, U.S. District Court  
201 W. Broad Ave.  
Albany, GA 31701

Hon. Margaret B. Seymour  
U.S. District Judge  
Matthew J. Perry, Jr. U.S. Courthouse  
901 Richland Street  
Columbia, SC 29201

Hon. Marvin H. Shoob  
Senior U.S. District Judge  
1767 Richard B. Russell Federal  
Bldg. & U.S. Courthouse  
75 Spring Street, S.W.  
Atlanta, GA 30303-3361

Hon. George Z. Singal  
Chief Judge, U.S. District Court  
Edward T. Gignoux Fed. Courthouse  
156 Federal Street  
Portland, ME 04101

Hon. Charles J. Siragusa  
U.S. District Judge  
1360 Kenneth B. Keating Fed. Bldg.  
100 State Street  
Rochester, NY 14614

Hon. William E. Smith  
U.S. District Judge  
United States District Court  
412 Federal Building & United States Courthouse  
One Exchange Terrace  
Providence, RI 02903-1270

Hon. Christina A. Snyder  
U.S. District Judge  
U.S. Courthouse  
218 U.S. Courthouse  
312 North Spring Street  
Los Angeles, CA 90012-4701

Hon. Alvin W. Thompson  
U.S. District Judge  
Abraham Ribicoff Federal Building & U.S. Courthouse  
450 Main Street  
Hartford, CT 06103

Honorable N. Carlton Tilley, Jr.  
Chief Judge, U.S. District Court  
303 L. Richardson Preyer Fed. Bldg.  
324 West Market Street  
Greensboro, NC 27401-7455

Hon. John Daniel Tinder  
U.S. District Judge  
304 U.S. Courthouse  
46 East Ohio Street  
Indianapolis, IN 46204

Hon. Alan C. Torgerson  
U.S. Magistrate Judge  
670 U.S. Courthouse  
333 Lomas Boulevard, N.W.  
Albuquerque, NM 87102

Hon. Fred Van Sickle  
U.S. District Judge  
P.O. Box 2209  
Spokane, WA 99210

Hon. Eric N. Vitaliano  
U.S. District Judge  
United States District Court  
714 U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201-1818

Hon. Herman J. Weber  
Senior U.S. District Judge  
801 Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, OH 45202

Hon. Ronald A. White  
U.S. District Judge  
United States District Court  
P.O. Box 1009  
Muskogee, OK 74402

Hon. Samuel G. Wilson  
U.S. District Judge  
P.O. Box 2421  
Roanoke, VA 24010

Hon. B. Lynn Winmill  
Chief Judge, U.S. District Court  
James A. McClure Fed. Bldg. & U.S. Courthouse  
550 West Fort Street  
Boise, ID 83724

Hon. Scott O. Wright  
Senior U.S. District Judge  
8662 Charles Evans Whittaker U.S. Courthouse  
400 East Ninth Street  
Kansas City, MO 64106

Hon. William G. Young  
U.S. District Judge  
5710 John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210-3002

Hon. James B. Zagel  
U.S. District Judge  
Everett McKinley Dirksen U.S. Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Hon. Thomas S. Zilly  
Senior U.S. District Judge  
15229 U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101-1290

Hon. William J. Zloch  
Chief Judge, U.S. District Court  
202B United States Courthouse  
299 East Broward Boulevard  
Fort Lauderdale, FL 33332

RULE 1.6: TRANSFER OF FILES

(a) Upon receipt of a certified copy of a transfer order from the clerk of the transferee district court, the clerk of the transferor district court shall forward to the clerk of the transferee district court the complete original file and a certified copy of the docket sheet for each transferred action.

(b) If an appeal is pending, or a notice of appeal has been filed, or leave to appeal has been sought under 28 U.S.C. §1292(b) or a petition for an extraordinary writ is pending, in any action included in an order of transfer under 28 U.S.C. §1407, and the original file or parts thereof have been forwarded to the court of appeals, the clerk of the transferor district court shall notify the clerk of the court of appeals of the order of transfer and secure the original file long enough to prepare and transmit to the clerk of the transferee district court a certified copy of all papers contained in the original file and a certified copy of the docket sheet.

(c) If the transfer order provides for the separation and simultaneous remand of any claim, cross-claim, counterclaim, or third-party claim, the clerk of the transferor district court shall retain the original file and shall prepare and transmit to the clerk of the transferee district court a certified copy of the docket sheet and copies of all papers except those relating exclusively to separated and remanded claims.

(d) Upon receipt of an order to remand from the Clerk of the Panel, the transferee district court shall prepare and send to the clerk of the transferor district court the following:

- (i) a certified copy of the individual docket sheet for each action being remanded;
- (ii) a certified copy of the master docket sheet, if applicable;
- (iii) the entire file for each action being remanded, as originally received from the transferor district court and augmented as set out in this rule;
- (iv) a certified copy of the final pretrial order, if applicable; and
- (v) a "record on remand" to be composed of those parts of the files and records produced during coordinated or consolidated pretrial proceedings which have been stipulated to or designated by counsel as being necessary for any or all proceedings to be conducted following remand. It shall be the responsibility of counsel originally preparing or filing any document to be included in the "record on remand" to furnish on request sufficient copies to the clerk of the transferee district court.

(e) The Clerk of the Panel shall be notified when any files have been transmitted pursuant to this Rule.